



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FEB 11 2013

Mark Brewer, Chair
Michigan Democratic Party
606 Townsend
Lansing, Michigan 48933

RE: MUR 6421
Benishek for Congress and
Trent J. Benishek in his official
capacity as Treasurer
Dan Benishek
St. George Glass and Window Co., Inc.
Steven P. Zurcher

Dear Mr. Brewer:

This is in reference to the complaint you filed with the Federal Election Commission on November 2, 2010, concerning a non-commercial aircraft flight taken by then-House candidate Dan Benishek. Based on that complaint, on June 14, 2011, the Commission found that there was reason to believe:

- Benishek for Congress and Trent J. Benishek in his official capacity as Treasurer (the "Committee") violated 2 U.S.C. §§ 439a(c)(2), 441b, and 11 C.F.R. § 113.5(b);
- Benishek violated 2 U.S.C. §§ 439a(c)(2), 441b, and 11 C.F.R. §§ 100.93(c)(2) and 113.5(b); and
- St. George Glass and Window Co., Inc., and Steven P. Zurcher violated 2 U.S.C. § 441b,

provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter. However, after considering the circumstances of this matter, the Commission determined to take no further action as to the Committee, Benishek, St. George Glass and Window, and Zurcher ("respondents"), and closed the file in this matter on February 5, 2013.

At the same time, the Commission cautioned the respondents to take steps to ensure that their conduct is in compliance with the Act and the Commission's Regulations. Specifically, the Honest Leadership and Open Government Act of 2007 ("HLOGA") amended the Act to prohibit

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House candidates from making expenditures for non-commercial aircraft travel. 2 U.S.C. § 439a(c)(2). The Commission promulgated implementing regulations that became effective Jan. 6, 2010. *See* Explanation and Justification, 74 Fed. Reg. 63,951 (Dec. 7, 2009). Commission regulations provide that House candidates are prohibited from non-commercial air travel while campaigning, 11 C.F.R. § 100.93(c)(2), and from accepting in-kind contributions in the form of non-commercial air travel. *Id.* § 113.5(b). The prohibition applies to a House candidate who is a "campaign traveler," which includes, "any candidate traveling in connection with an election for Federal office." *Id.* § 100.93(a)(3)(i)(A).

Further, the Act prohibits corporations from making any contribution in connection with a federal election, and correspondingly prohibits candidates and committees from knowingly accepting such contributions. 2 U.S.C. § 441b.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 2 U.S.C. § 437g(a)(8). If you have any questions, please contact me at (202) 694-1548.

Sincerely,

A handwritten signature in black ink that reads "Elena Paoli". The signature is fluid and cursive, with the first name "Elena" and last name "Paoli" clearly distinguishable.

Elena Paoli
Attorney

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